

**Notice of Allowability**

Application No.

10/568,103

Applicant(s)

RUBBELKE, INGO

Examiner

Joseph Leyson

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on October 24, 2007.
2. ☒ The allowed claim(s) is/are 19, 20 and 22-36 renumbered 1-17, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Art Unit: 1791

1. Claims 19, 20 and 22-36 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or reasonably suggest the die head, as recited by instant claims 19, 20, 22-29 and 31-35, wherein the distribution element includes the plurality of lamellae interspersed with the orifices such that an action of force occurs on the distribution element due to the flow of the melted mass. The prior art of record does not teach or reasonably suggest the die head, as recited by instant claim 30, wherein the at least one of the distribution element and the inflow channel are formed such that the distribution element is set into torsional motion around a longitudinal axis of the mandrel due to the flow of the melted mass, and the flow of melted mass is routed to the central ring channel, wherein the shell includes the plurality of shell segments, each having the dedicated distribution element, and wherein the shell segments are stacked on top of each other around the distribution elements, and each shell segment has the at least one dedicated inflow channel. The prior art of record does not teach or reasonably suggest the die head, as recited by instant claim 36, wherein the distribution element includes the plurality of lamellae interspersed with the orifices arranged such that an action of force occurs at the exit of the orifices due to the material expansion of the melted mass. Relative to claim 30, the examiner withdraws the prior art rejection thereof in the previous office action because, after further review, the claim limitations cannot be met by a mere duplication of parts for a multiplied effect of the apparatus of DE 1810237, since the claim limitations of the shell including the plurality of shell segments, each shell segment having the dedicated distribution element, the shell



Art Unit: 1791

segments being stacked on top of each other around the distribution elements, and each shell segment having the at least one dedicated inflow channel would enable the production of a multilayer product, each layer being defined by each shell segment, each distribution element and each dedicated inflow channel, and since these same claim limitations require more than duplication, namely stacking the shell segments on top of each other. DE 1810237 does not teach or reasonably suggest to an artisan of ordinary skill how to modify its apparatus to enable the production of the multilayer product, as mentioned above; or how to duplicate its apparatus elements and then further stack such duplicated elements on top of each other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The drawings were received on February 13, 2006. These drawings are acceptable.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH LEYSON whose telephone number is (571)272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JL

  
YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700